

#14 Reg for refund
10/3/03

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/851,650
		Filing Date	May 8, 2001
		First Named Inventor	Philip J. BARR
		Art Unit	1652
		Examiner Name	Kathleen M. Kerr
Total Number of Pages in This Submission	5	Attorney Docket Number	300622001610

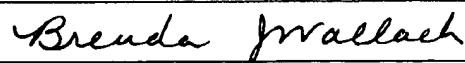
ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Request for Refund (4 pages, including a copy of the Fee Transmittal and a copy of the Petition for Extension) Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

CUSTOMER NO. 25225

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Brenda J. Wallach - 45,193
Signature	
Date	October 24, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 329147014 US, in an envelope addressed to: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

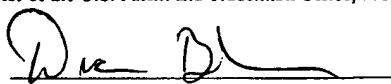
Dated: October 24, 2003 Signature:  (Diane Blevins)

sd-169067

PATENT
Docket No. 300622001610

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Philip BARR, *et al.*

Serial No.: 09/851,650

Filing Date: May 8, 2001

For: PRODUCTION OF POLYKETIDES IN
BACTERIA AND YEAST

Examiner: Kathleen M. Kerr

Group Art Unit: 1652

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.28

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for a refund of one-half of the extension for reply within third month fee paid via an authorization to charge deposit account No. 03-1952 on July 28, 2003 in the above identified application. Attached is a copy of the Fee Transmittal form and Petition for Extension of Time filed via Express mail, Airbill No. EV 273019357 US, which authorized the U.S. Patent and Trademark Office (PTO) to debit the subject deposit account \$930. Applicant understands based on a phone call with a clerk at the PTO that a fee of \$930.00 was charged to the designated deposit account.

Please be advised, due to a clerical error, the attached forms submitted on July 28, 2003 did not reflect the "Small Entity" status of Applicant. Applicant hereby asserts under 37 C.F.R. § 1.27(c) small entity status, as previously asserted at the time of filing of the subject application by payment of the small entity basic filing fee. Accordingly, Applicant now requests in accordance with 37 C.F.R. § 1.28, a refund in the sum of \$465.00 which reflects one-half of the extension for reply within third month fee, be paid to our Deposit Account No. 03-1952, reference Docket No. 300622001610.

Respectfully submitted,

Dated: October 24, 2003

By:

Brenda J. Wallach
Brenda J. Wallach, Ph.D.
Patent Agent
Registration No. 45,193

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Facsimile: (858) 720-5125

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 930.00)

Complete if Known

Application Number	09/851,650
Filing Date	May 8, 2001
First Named Inventor	Philip J. BARR
Examiner Name	Kathleen M. Kerr
Group Art Unit	1652
Attorney Docket No.	300622001610

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None
 Deposit Account

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

The Commissioner is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description				Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1051	130	2051	65	Surcharge - late filing fee or oath		
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.		
1053	130	1053	130	Non-English specification		
1812	2,520	1812	2,520	For filing a request for ex parte reexamination		
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
1251	110	2251	55	Extension for reply within first month		
1252	410	2252	205	Extension for reply within second month		
1253	930	2253	465	Extension for reply within third month		930.00
1254	1,450	2254	725	Extension for reply within fourth month		
1255	1,970	2255	985	Extension for reply within fifth month		
1401	320	2401	160	Notice of Appeal		
1402	320	2402	160	Filing a brief in support of an appeal		
1403	280	2403	140	Request for oral hearing		
1451	1,510	1451	1,510	Petition to institute a public use proceeding		
1452	110	2452	55	Petition to revive - unavoidable		
1453	1,300	2453	650	Petition to revive - unintentional		
1501	1,300	2501	650	Utility issue fee (or reissue)		
1502	470	2502	235	Design issue fee		
1503	630	2503	315	Plant issue fee		
1460	130	1460	130	Petitions to the Commissioner		
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		
1806	180	1806	180	Submission of Information Disclosure Stmt		
8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))		
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))		
1801	750	2801	375	Request for Continued Examination (RCE)		
1802	900	1802	900	Request for expedited examination of a design application		
Other fee (specify)						

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 930.00)

** or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Name (Print/Type)	Brenda J. Wallach	Registration No. (Attorney/Agent)	45,193	Telephone	(858) 720-7961	
Signature	<i>Brenda J. Wallach</i>				Date	July 28, 2003

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Dated: July 28, 2003

Signature: *Diane Blevins* (Diane Blevins)